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To Whom It May Concern:

TOPIC: Federal Register Vol. 66 No. 174 Dated September 07, 2001

A copy of this document reached me late this afternoon, consequently I have not had sufficient opportunity to read it in its entirety. However, on the first page in the third column, the first paragraph establishes the fact that a program for compensation has been established for certain covered workers made ill during nuclear weapons production for D.O.E.

Covered workers with certain illnesses including chronic beryllium disease, radiation-induced cancers and silicosis may be eligible for specified benefits under the program.

Following this information, it is stated that while not eligible for Federal compensation under EEOICPA, workers with other illnesses that may be related to workplace toxic exposures may qualify and apply for compensation through their respective State workers' compensation systems.

Subtitle D of the Act authorizes the Secretary of Energy to enter into an agreement with each State to provide assistance to a DOE contractor employee in filing a claim under that State's workers' compensation system.

The document continues by stating: After DOE enters into such an agreement with a State, an applicant can submit an application to the Program office in DOE for assistance in filing a claim with that State's workers' compensation system.

This is fine however; I have a concern regarding the manner in which this was written and the specifics as to who is to be covered by workers' compensation in the state involved.

My concerns are as follows:

Paragraph one in the right hand column of the first page is sufficiently clear and readily understandable for me. I believe I fully comprehend that which is stated in this paragraph.

Paragraph TWO does concern me, however. This paragraph covers the aspects of illnesses and conditions that were not included among the previously listed EEOICPA qualifying illnesses.

This paragraph appears to have been written specifically as a means of providing compensation for those workers who were afflicted with illnesses OTHER than those specifically listed as being required illnesses in order to qualify under EEOICPA.

I have no argument with this being done and I fully support a plan to provide workers' compensation for anyone who was adversely affected through exposure to radiation or toxic substances while working under conditions such as those that prevailed on Amchitka Island during that atomic era we worked there.

My concern lies in the wording. While it is stated that workers who do not exhibit symptoms of radiation-induced cancers chronic beryllium disease or silicosis may not qualify for compensation under the rules of EEOICPA, they may qualify for worker's compensation from the State.

The intent here is excellent. They SHOULD qualify for State workers' compensation.

But, what about the workers who DO qualify for compensation under the EEOICPA plan? Do they ALSO qualify for STATE workers' compensation?

Do they qualify for BOTH the EEOICPA compensation (as is now required by law) and the State workers' compensation?

My impression, because of having studied this material, is that an unfair distinction has been made between these two groups of candidates for workers' compensation. One group appears to qualify for EEOICPA benefit, but ONLY these benefits appear to have been made available to this group of participants.

On the other hand, based upon the manner in which this material has been written, a second group of potential participants has been identified and it appears they are uniquely qualified for State workers' compensation.

State workers' compensation, it would appear, is the ONLY compensation they will be offered.

I would appreciate clarification of this referenced material. Furthermore, I am asking for a simple explanation to the following questions:

For example, will a person who worked on Amchitka Island during the years between 1969 and 1972, who developed any of the recognized illnesses attributable to radiation exposure or toxic chemical exposure (such as any of the 21 types listed by the D.O.E. as qualifying illnesses) qualify not only for the proposed \$150,000.00 EEOICPA award but also for STATE WORKERS' COMPENSATION as well?

Simply put, will BOTH awards be made available to such victims of exposure to dangerous conditions in the workplace where they were employed?

Putting it another way, will State Workers' Compensation be DENIED for those workers who have been determined as qualifying for the EEOICPA award and as a consequence, they will receive ONLY the EEOICPA settlement?

I feel there is a need for clarification of the writings and explanations in this document, relative to these condition. Furthermore, I feel it should be a foregone conclusion and a practice of law that any and every worker who was damaged or who suffered injury while working on the job at his or her place of employment, should AUTOMATICALLY qualify for workers' compensation and without question, be provided the benefits due him or her through workers' compensation insurance coverage that by law, must have been in force during that time period under consideration in this matter..

Thank you,

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